

REMARKS

Claims 22, 25, 28 and 37 have been amended. Claims 39-46 have been added. Accordingly, claims 1-2, 9-11, 14-46 are currently pending in the application.

RESPONSE TO RESTRICTION REQUIREMENT

Applicant hereby elects the invention defined by the Examiner as Group I, corresponding to claims 1, 2, 9-11, 14-16, 22-29 and 33-37 which are drawn to a composite laminate with moisture transfer properties. In addition, Applicant elects the species defined by the Examiner as a two layered composite comprising a foam and a non-woven. Therefore, Applicant elects claims 22, 25, 28 and 37 for prosecution.

Furthermore, Applicant also elects new claims 39-46 which are also directed to the elected species. This election is made with traverse.

UPDATE ON THE STATUS OF LITIGATION

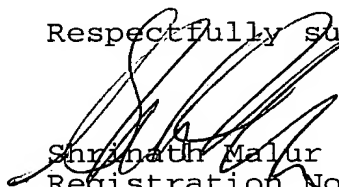
Applicant hereby informs the Examiner that a settlement has been reached between Applicant and Defendant Schoeller Textil AG, Schoeller Textil USA, Inc., and Schoeller Frisby Technologies, GmbH as evidenced in the attached Consent Judgement ordered on February 3, 2003. In the consent agreement, Defendants agree that U.S. Patent No. 6,048,810 is

valid and enforceable. The litigation between Plaintiff and Outlast Technologies, Inc. is still pending.

CONCLUSION

It is submitted that the elected claims are in condition for Examination. Accordingly, Examination is respectfully requested.

Respectfully submitted,



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MARKED UP VERSION OF THE CLAIMS

22. (Amended) A composite [for use in a liner for footwear] comprising:

a first layer of foam [which is treated to have] having reversible enhanced thermal properties; and

a first non-woven material attached to the layer of foam, the non-woven material being [that is] capable of transferring moisture vapor.

25. (Amended) The [liner] composite according to claim 22, wherein the layer of foam is an open-cell foam.

28. (Amended) The [liner] composite according to claim 25, wherein the open-cell foam is hydrophilic.

37. (Amended) The [liner] composite according to claim 22, wherein said first non-woven material includes at least one material selected from a group consisting of [lycra] spandex, wood pulp, cotton, polypropylene, polyester and rayon.